



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Resolution: RES 12-2274

File Number: RES 12-2274

Modifying the temporary Interim Use Permit approved under C.F. No. 07-1196 for Abra Auto Body and Glass, 1190 University Avenue.

WHEREAS, the Council of the City of Saint Paul, in Council File No. 07-1196, granted an Interim Use Permit pursuant to Minn. Stat. § 462.357 and Leg. Code § 64.400 to allow Abway LLC, d/b/a ABRA Auto Body & Glass ("ABRA"), to continue operating an auto body repair business at 1190 University Avenue; and

WHEREAS, a zoning study of the Central Corridor was in process and because future regulation was uncertain and development of LRT and redevelopment of the area was likely to be a few years off, ABRA proposed a five-year effectiveness period and the Council, based upon this representation, imposed a condition on the interim use permit providing that the permit would expire on December 26, 2012, pursuant to Minn. Stat. § 462.3597, Subd. 4; and

WHEREAS, ABRA has determined that it would like to remain operating at the 1190 University site and requested that the City extend the permit; and

WHEREAS, zoning staff has reviewed the request to extend the interim use permit and, based upon its review, recommends that the permit be extended based upon the following:

ABRA originally operated as an accessory use at the former Midway Chevrolet auto dealership. When Midway Chevrolet closed, ABRA continued to operate at the site utilizing an interim use approved by the City Council in 2007 under Council File No. 07-1196 which provided that the interim use would expire in December 2012. In 2011, the property at 1190 University Avenue was rezoned from B3 general business to T4 traditional neighborhood district as part of the Central Corridor/ Traditional Neighborhood Zoning Study. Staff is of the opinion that an auto body shop can be compatible with residential and commercial uses that are in close proximity if the body shop is regulated through standards and conditions. For instance, state and federal standards for venting, including from paint booths, now tightly control air emissions through the mandatory installation of exhaust filters that successfully remove odors. City and state noise standards are also applicable to this use. Staff notes that ABRA operates in other mixed-use commercial areas without problems, including the American Blvd. project in the City of Bloomington and in the high-density, upscale Buckhead neighborhood in downtown Atlanta. In this case, staff finds that ABRA provides a needed neighborhood service, provides neighborhood jobs, generates few vehicle trips, and would be compatible with high-density mixed-use development for which there is room on the site at 1190 University Avenue. If the Council were to add additional conditions to the existing interim use permit including conditions which require all repair work at the site to be conducted within an enclosed building and setting the permit's mandatory termination date to occur either when the property is redeveloped with a new use or ownership of the use is transferred, staff would recommend granting the request to modify the interim use permit.

WHEREAS, the Council, having been apprised of the request to amend the said Interim Use

Permit and of staff's recommendation to approve the requested amendment based upon the findings set forth herein, the Council: NOW, THEREFORE,

BE IT RESOLVED, that Council File No. 07-1196, granting an Interim Use Permit pursuant to Minn. Stat. § 462.357 and Leg; Code § 64.400 to Abway LLC, d/b/a ABRA Auto Body & Glass ("ABRA"), to operating an auto body repair business at 1190 University Avenue is hereby amended by adding new conditions to those previously imposed and modifying existing conditions consistent with the findings and reasons as set forth in Council File No. 07-1196 and in this resolution, as follows:

1. The business improves the landscaping along University Avenue in consultation with City Site Plan Review staff;
2. The business complies with all applicable zoning, licensing, and building codes; and
3. Approval of the interim use shall expire five years after City Council approval when the property is redeveloped with a new use, or ownership of the use is transferred or the zoning code is amended to make auto body shop a conditional use at this location, which ever may occur first; and
4. All repairs or work of any sort performed on vehicles on the site must be conducted within an enclosed building.

AND BE IT RESOLVED, that the application of Abway LLC. d/b/a ABRA Auto Body & Glass for an amended interim use permit is hereby granted; and

BE IT FURTHER RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to the Applicant, the Zoning Administrator and the Planning Administrator.

At a meeting of the City Council on 12/19/2012, this Resolution was Passed.

Yea: 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune, and Councilmember Tolbert

Nay: 0

Vote Attested by  **Date** 12/19/2012
Council Secretary Trudy Moloney

Approved by the Mayor  **Date** 12/21/2012
Chris Coleman